

CITY OF SEABROOK
ORDINANCE NO. 2016-27
FLOOD DAMAGE PREVENTION

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, TEXAS BY DELETING THE CURRENT CHAPTER 38, "FLOOD", ARTICLE II, "FLOOD DAMAGE PREVENTION" AND REPLACING IT WITH A NEW ARTICLE II, UNDER THE SAME TITLE, "FLOOD DAMAGE PREVENTION" WHICH CONTAINS SECTIONS FOR STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS; DEFINITIONS; GENERAL PROVISIONS INCLUDING ADOPTING THE FLOOD INSURANCE RATE MAP (FIRM) AND FLOOD INSURANCE RATE STUDY (FIS), DATED JANUARY 6, 2017; ADMINISTRATION, PERMITTING AND VARIANCE PROCEDURES; AND PROVISIONS FOR FLOOD DAMAGE REDUCTION. THE CONTENTS OF THE NEW REPLACEMENT ARTICLE ARE SIMILAR TO THE CURRENT ARTICLE BUT ARE SOMETIMES WRITTEN IN A DIFFERENT MANNER.

THIS ORDINANCE PROVIDES FOR A PENALTY IN AN AMOUNT OF \$500.00, OR THE MAXIMUM PROVIDED BY LAW, FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALS ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH, SPECIFICALLY INCLUDING ORDINANCES NOS. 87-07, 91-17, 93-30, 96-19, 97-08, 08-10, 08-28 AND 08-29; AND PROVIDES FOR SEVERABILITY AND NOTICE.

WHEREAS, in March of 2013, the City was provided copies of the Preliminary Flood Insurance Rate Map (FIRM) panels; and

WHEREAS, in November of 2013, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) published a notice of proposed flood hazard determinations for our community; and FEMA did not receive any appeals of the proposed flood hazard determinations. Therefore, the determination of FEMA as to the proposed flood hazard determinations for our community is considered final. The Flood Insurance Rate Map (FIRM) for our community will become effective on January 6, 2017, and will revise the FIS report and FIRM which were in effect prior to this date; and

WHEREAS, as a requirement to participate in the National Flood Insurance Program (NFIP) the City of Seabrook is required to revise its Code of Ordinances, Chapter 38, titled "Floods" and as part of this update, is also required to adopt the Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) dated for January 2017; now therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEABROOK,
STATE OF TEXAS:**

SECTION 1. AMENDMENT TO THE CODE.

The Code of the City of Seabrook, is hereby amended by deleting the current Chapter 38, entitled "Floods", Article II, "Flood Damage Prevention" in its entirety as shown on Attachment "A" which is made a part of this ordinance and replacing it with a new Article II entitled "Flood Damage Prevention" as shown as Attachment "B" which is made a part of this Ordinance.

SECTION 2. INCORPORATION INTO THE CODE; PENALTY CLAUSE.

This Ordinance is hereby incorporated and made a part of the Seabrook City Code. Violation of this Ordinance is subject to the penalty section of said Code of Ordinances, Section 1-15, "General penalty; continuing violations" which provides that any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500.00, or the maximum amount provided by law. Each day of violation shall constitute a separate offense.

SECTION 3. SEVERABILITY.

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provisions hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Seabrook, Texas declares that it would have passed each every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 4. REPEAL OF PREVIOUS ORDINANCE.

All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance are hereby expressly repealed, specifically including Ordinance No. 87-07, "Flood Damage Prevention" and subsequent amending Ordinance Nos. 91-17, 93-30, 96-19, 97-08, 08-10, 08-28 and 08-29 any other amending ordinances relating to Floods or Flood Damage Prevention are hereby repealed upon the adoption of Ordinance No. 2016-27.

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SECTION 5. NOTICE.

The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.

PASSED AND APPROVED on first reading this 18th day of October, 2016.

PASSED AND APPROVED on second and final reading this 1st day of November, 2016.

By:

Glenn Royal
Mayor

ATTEST:

By:_____
Robin Hicks, TRMC
City Secretary

APPROVED AS TO FORM:

Steven L. Weathered, City Attorney